

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YVONNE R. TYSON,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner of
Social Security,

Defendant.

Case No. C14-697 JCC-BAT

**REPORT AND
RECOMMENDATION**

Yvonne R. Tyson filed a complaint appealing a partially favorable Social Security decision. Dkt. 3. After the Commissioner filed her response brief, the parties file a stipulated motion to dismiss the case with prejudice. Dkt. 23. Under Rule 41(a)(1)(A)(ii), a stipulation to dismiss is self-executing and dismisses the case upon filing, and generally divests the Court of its jurisdiction regardless of whether the court approves of the stipulation. *See Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1076 (9th Cir. Cal. 1999) (“once a notice of voluntary dismissal is filed, the district court in which the action is pending loses jurisdiction and cannot exercise discretion with respect to the terms and conditions of the dismissal.”).

Accordingly, it is recommended that the stipulated motion and proposed order to dismiss the case with prejudice be GRANTED. A proposed order is attached. Because the parties

1 stipulate to dismissal, the Clerk should note the matter as immediately ready for the Court's
2 consideration.

3 DATED this 10th day of December, 2014.

4
5 

6 BRIAN A. TSUCHIDA
7 United States Magistrate Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23